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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO ANTJUAN HALE,

Defendant and Appellant.

E063147

(Super.Ct.No. SWF1402819)

OPINION

APPEAL from the Superior Court of Riverside County. Mark Mandio, Judge.

Affirmed.

Kristen Owen, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a negotiated plea agreement, defendant and appellant Antonio Antjuan Hale pled guilty to assault with a firearm (Pen. Code, § 245, subd. (a)(2)).¹ Defendant

¹ All future statutory references are to the Penal Code unless otherwise indicated.

also admitted that in the commission of the offense, he had personally used a firearm (§ 12022.5, subd. (a)); that he had suffered a prior serious felony (§ 667, subd. (a)); and that he had suffered a prior serious and violent felony strike conviction (§§ 667, subds. (c) & (e)(1), 1170.12, subd. (c)(1)). In return, defendant was sentenced to a total term of 11 years in state prison with credit for time served. Defendant appeals from the judgment, challenging the sentence or other matters occurring after the plea as well as the validity of the plea. We find no error and affirm.

I

FACTUAL AND PROCEDURAL BACKGROUND²

On June 8, 2014, an older man began a confrontation with defendant outside a Walmart in the city of Hemet after some juveniles had posted a video of them beating up an older gentlemen on Facebook. Initially, the confrontation was between defendant and the older man; however, others joined both sides, including the older man's son. When someone stated the police were on the way, the two groups of people went to a nearby park. At the park, the two groups started to fight; and during the fight, the older man's son saw defendant holding a gun and pointing it at his friend. The older man and his son ran toward their vehicle. They jumped into their vehicle, and then heard numerous gunshots fired. They also heard gunshots that hit the vehicle. A later investigation revealed five bullet holes in the vehicle.

² The factual background is taken from the preliminary hearing.

Following the preliminary hearing, on October 9, 2014, an information was filed charging defendant with one count of assault with a firearm in violation of section 245, subdivision (a)(2). The information also alleged that in the commission of the offense, defendant had personally used a firearm within the meaning of section 12022.5, subdivision (a). The information further alleged that defendant had suffered one prior serious felony conviction (§ 667, subd. (a)) and one prior strike conviction (§§ 667, subds. (c) & (e)(1), 1170.12, subd. (c)(1)) for a 2007 robbery.

On February 17, 2015, in a plea to the court, defendant pled guilty as charged and admitted the enhancement and prior conviction allegations. In return, defendant was promised an indicated term of 11 years in state prison. After directly examining defendant, the trial court found that defendant understood the nature of the charges and the consequences of the plea; that the plea was entered into freely, voluntarily, knowingly, and intelligently; and that there was a factual basis for the plea. Thereafter, defendant waived his right to a presentence probation report, and was immediately sentenced in accordance with the indicated term of 11 years as follows: the middle term of three years for the substantive offense, doubled to six years due to the prior strike conviction, plus five years for the prior serious felony conviction; the low term of three years on the gun use enhancement was imposed but stayed. Defendant was awarded 282 days credit for time served.

On March 30, 2015, defendant filed an amended notice of appeal and request for certificate of probable cause, challenging the sentence or other matters occurring after the plea as well as the validity of the plea and admissions. On April 1, 2015, the trial court granted defendant's request for certificate of probable cause.

II

DISCUSSION

After defendant appealed, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

CODRINGTON
J.